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6 UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8 OAKLAND DIVISION

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10 DOE 1, DOE 2, and KASADORE
11 RAMKISSOON, on Behalf of Themselves
and All Other Persons Similarly Situated,

12 Plaintiffs,

13 vs.

14 AOL, LLC,

15 Defendant.

Case No: C 06-05866 SBA

**ORDER DISMISSING REMAINING
STATE LAW CLAIMS WITHOUT
PREJUDICE**

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17 On January 31, 2011, the Court issued an Order to Show Cause (“OSC”) in which it
18 directed the parties to submit briefs stating their respective positions on whether the Court
19 has original jurisdiction over the remaining state law claims, pursuant to 28 U.S.C. § 1332,
20 or alternatively, whether the Court should exercise supplemental jurisdiction over those
21 claims, pursuant to 28 U.S.C. § 1367. Dkt. 233. Both Plaintiffs and Defendant submitted
22 timely responses to the OSC. In their memorandum, Plaintiffs acknowledge that the Court
23 lacks original jurisdiction over the remaining claims. Pl.’s Mem. at 2-3, Dkt. 238. With
24 regard to the matter of supplemental jurisdiction, Plaintiffs state that they “accept the
25 Court’s suggestion that the remaining California state law claims should be dismissed
26 without prejudice to re-filing in a California court.” Id. at 5. Defendant likewise concurs
27 that the relevant factors under § 1367 militate in favor of dismissal of the remaining state
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1 law claims. Def.'s Mem. at 6, Dkt. 239. Given the parties' respective positions, and for the
2 reasons expressed in the Court's OSC,

3 IT IS HEREBY ORDERED THAT Plaintiff's remaining state law claims under
4 California's Consumers Legal Remedies Act, False Advertising Law and Unfair
5 Competition Law are DISMISSED without prejudice to re-filing said claims in state court.
6 The Clerk shall close the file and terminate any pending matters.

7 IT IS SO ORDERED.

8 Dated: February 28, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge